

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Todd North on 11/20/08.

The application has been amended as follows:

In the claims:

Claim 1 (Currently amended). A method of identifying row type in a barley, comprising screening the plant with [the use of] at least one molecular marker comprising at least one nucleotide sequence selected from the group consisting of [the nucleotide sequences set forth in any of] SEQ ID NOs: 1 to 5, that is linked with a gene that controls row type.

Claim 2 (Currently amended). The method of claim 1, wherein the barley is identified as having two-rowed or six-rowed spikes [when a molecular marker in the barley shows the same type as a barley that is two-rowed or six-rowed, respectively].

Claim 12 (Currently amended). The [A] method of claim 1 further [generating an artificially altered barley having two-rowed spikes, said method] comprising the step of

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selecting, at an early stage, a plant identified as being two-rowed [using the method according to claim 1].

Claim 13 (Currently amended). The [A] method of claim 1 further [generating an artificially altered barley having six-rowed spikes, said method] comprising the step of selecting, at an early stage, a plant identified as being six-rowed[using the method according to claim 1].

Claim 42 (Currently amended). A method of identifying row type in a barley, comprising screening the plant with [the use of] at least one molecular marker consisting of at least one nucleotide sequence selected from the group consisting of [the nucleotide sequences set forth in any of] SEQ ID NOs: 1 to 5, that is linked with a gene that controls row type.

Claim 43 (Currently amended). The [A] method of claim 42 further [generating an artificially altered barley having two-rowed spikes or six-rowed spikes, said method] comprising the step of [steps of:] selecting, at an early stage, a plant identified as being a two-rowed barley or a six-rowed barley [by the method according to claim 42].

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Medina A. Ibrahim whose telephone number is

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(571)272-0797. The examiner can normally be reached on M-TH 8:00 am to 5:30 PM, and every other Friday from 8:00 AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on 571-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MAI
11/22/2008

/Medina A Ibrahim/
Primary Examiner, Art Unit 1638